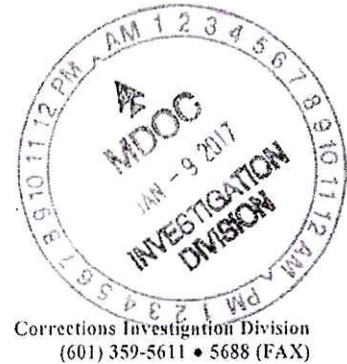





STATE OF MISSISSIPPI  
DEPARTMENT OF CORRECTIONS  
MARSHALL FISHER  
COMMISSIONER



Sean K. Smith  
Director

MEMORANDUM

**TO:** Sean K. Smith, Director, CID

**FROM:** Cole Terrell, Integrity Investigator, CID 

**DATE:** January 9, 2017

**RE:** MSP Altercation Involving Staff

This memorandum pertains to an altercation that took place at the Mississippi State Penitentiary in Parchman, MS, on November 21, 2016. The altercation involved the Corrections Investigation Division, Officer Steven Tyler (Field Operations), as well as Administrative staff and the K9 Unit. The following is a list of parties involved and/or witnesses:

- John Rogers, CID Chief
- James Bobo, CID Investigator
- William Carter, CID Investigator
- Jimmie Gibbs, CID Investigator
- Jim Hunt, CID Investigator
- Steven Tyler, Field Operations Officer
- Earnest Lee, Superintendent
- Timothy Morris, Warden Unit 29
- Brenda Cox, Deputy Warden Unit 29
- Leather Williams, K9 Officer
- Kevin Gamble, K9 Officer
- Derrick Sanders, K9 Officer
- Kelvin Taylor, K9 Officer
- Tommy Hearon, K9 Officer
- Michael Scruggs, K9 Officer
- Larry Craig, K9 Officer

On November 22, 2016, Investigators from MDOC Central Office began conducting interviews with the above stated staff in an effort to decipher what took place on the prior evening. Initially, it was provided that there was an altercation between CID and Superintendent Lee whereas Supt. Lee and Inv. Bobo physically assaulted each other.

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After conducting interviews, investigators were able to determine Chief Rogers, Inv. Bobo, and Inv. Carter were interviewing Officer Tyler in reference to an officer on inmate assault (ref. case #16-MSP-971). During the course of the interview, investigators noted what appeared to be fresh dried blood on Officer Tyler's pants and scuff marks on his boots that would be indicative of the alleged physical altercation. In an effort to retrieve the evidence, the investigators detained Officer Tyler and he initially cooperated by stating that he would turn over his pants and boots to investigators. Chief Rogers exited the conference room and made a phone call to be sure a warrant was not needed. While Chief Rogers was out of the room, Officer Tyler got up from his seat and told Investigators Bobo and Carter that he was leaving. Investigators tried to inform him that he was not allowed to leave at which point Officer Tyler shoved Inv. Bobo from the doorway. Inv. Carter grabbed Officer Tyler and Inv. Bobo did as well. Chief Rogers entered the room and assisted the two investigators with restraining him at which point Warden Morris entered the doorway and gave verbal commands for him to stop resisting. Officer Tyler was placed in handcuffs and assisted to a chair.

At this point in the investigation, conflicting statements and reports were given as to what transpired after the detainment of Officer Tyler to include the physical altercation between Supt. Lee, CID, and K9. It was determined other individuals would need to be interviewed along with re-interviewing some of the initial staff for clarity. After doing so and through a thorough investigation as well as a small clip of audio recording from the incident, the following was concluded:

After the detainment of Officer Tyler, Chief Rogers requested the K9 Unit for security due to the fact another Field Operations Officer was in the building to be interviewed and investigators had already been physically involved with Officer Tyler. While awaiting their arrival, Chief Rogers spoke with Officer Tyler and through the course of the conversation, Officer Tyler stated that he would cooperate with surrendering his clothes. Furthermore, he wanted to retract his initial statement given to the investigators in which he denied his involvement in the officer on inmate assault.

While the conversation between CID and Officer Tyler was taking place, Warden Morris went to his office and contacted Supt. Lee to inform him there had been an altercation between CID and Officer Tyler. Supt. Lee requested to speak with Officer Tyler on the phone and Warden Morris entered the conference room to inform him of this. Chief Rogers informed Warden Morris that Officer Tyler was not leaving the room and he was under arrest for assaulting Inv. Bobo and Inv. Carter. Warden Morris went back to his office and informed Supt. Lee that Officer Tyler was not allowed to leave the room and he was under arrest. Supt. Lee then told Warden Morris to lock the unit down and not let anyone in or out and he would come to their location. Supt. Lee was also contacted in reference to sending K9 to the conference room to which he denied the request and stated he would call K9 to meet him at the unit.

Approximately 45 minutes later, Supt. Lee met the K9 unit at Unit 29. They entered the conference room and Supt. Lee immediately grabbed Officer Tyler by the left shoulder and stated "come on let's go." Chief Rogers stepped in front of Officer Tyler and put his hand on his shoulder preventing him from standing up and leaving. Chief Rogers told Supt. Lee that Officer Tyler was not going anywhere and he was a suspect in an investigation as well as under arrest for assaulting CID. A heated discussion ensued and Inv. Bobo reached out in the direction of Officer Tyler and Supt. Lee



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as to gesture that Officer Tyler was not leaving. Supt. Lee grabbed Inv. Bobo by the wrist and Officer Scruggs, K9, grabbed Inv. Bobo yelling let him go to which Inv. Bobo informed him that he did not have Supt. Lee and Supt. Lee had hold of him. At that point, Supt. Lee let go of Inv. Bobo and Inv. Bobo began to audio record a few minutes of the events. Supt. Lee then began to speak to Officer Tyler and ask him questions about CID assaulting him. Inv. Bobo tried leaving the room and Supt. Lee blocked the door. Inv. Bobo then attempted to reach around Supt. Lee for the door and Supt. Lee could be heard saying "don't put your hands on me, cause I might have to put mines on you," to which Inv. Bobo responded, "you already did, remember?" Inv. Bobo, Chief Rogers, and Supt. Lee all exited the room after this to make phone calls to determine who was in the right. After numerous calls by Chief Rogers and Supt. Lee to supervisors, it was determined that Officer Tyler would turn over all of his clothing to CID and then would be allowed to depart and the incident would be sorted out the next day. Inv. Carter collected evidence from Officer Tyler and after retrieving it, Supt. Lee grabbed Officer Tyler once more and stated they were leaving. Chief Rogers and Inv. Bobo were in another office at this time. Inv. Carter stated that he didn't want to cause any trouble but could Supt. Lee and Officer Tyler wait for Chief Rogers' return to make certain they had everything they needed. Inv. Carter was leaning against the doorway at this point and Supt. Lee grabbed him by the wrist in an effort to remove him from the doorway. Inv. Bobo was exiting the office he had been in when he noticed this physical altercation taking place. He then went to separate Supt. Lee from Inv. Carter by extending his arm between the two when Supt. Lee turned around and slapped him with an open hand. Inv. Carter, Inv. Bobo and Supt. Lee were then grabbed and eventually separated by Inv. Gibbs and K9 officers. Investigators Bobo, Carter and Gibbs as well as Officer Tyler all were evaluated at Unit 42 by medical staff where no significant injuries were noted.

In conclusion, these key factors from the investigation were noted:

- CID was acting in a legal official capacity by interviewing Officer Tyler who initially consented to the encounter. Once possible evidence was noted on Officer Tyler, he was legally detained to preserve the integrity of the evidence.
- Officer Tyler attempted to exit the room failing to obey lawful commands by CID.
- Officer Tyler then assaulted Inv. Bobo by shoving him. He also resisted his arrest.
- Supt. Lee denied the request for K9 by Chief Rogers and then arrived with K9 nearly 45 minutes after they were requested which is a major safety concern.
- Supt. Lee attempted to remove Officer Tyler from the room upon his arrival potentially removing evidence as well as interfering with a law enforcement investigation.
- Supt. Lee then assaulted both Inv. Bobo and Inv. Carter by grabbing and pulling them by the wrist as well as by slapping Inv. Bobo.
- Investigators Carter and Bobo never touched Supt. Lee in a manner that was malicious nor could it be determined for sure if they touched him at all. This was noted by all witnesses who saw any physical contact between the parties.
- In this incident, it could not be determined that the CID Investigators did anything illegal or unethical. Also, it was noted that any actions taken by the investigators were in direct response to outside stimuli either from the officer under investigation or Supt. Lee.